

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 19 MARCH 2024

Present: The Mayor, Councillor S Ngai (Chairperson)
Councillors J Pettett & G Taylor (Comenarra Ward)
Councillors S Lennon & B Ward (Gordon Ward)
Councillor A Taylor (Roseville Ward)
Councillors M Smith (St Ives Ward)
Councillors C Spencer & K Wheatley (Wahroonga Ward)

Staff Present: Acting General Manager (David Marshall)
Director Community (Janice Bevan)
Acting Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Acting Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafa)
Manager Governance and Corporate Strategy (Christopher M Jones)
Manager Urban & Heritage Planning (Antony Fabbro)
Governance Support Officer (Nicole Kratochvil)

The Meeting commenced at 7:02PM

The Mayor offered the Acknowledgement of Country and Prayer

36

APOLOGIES

File: S02194

Councillor Spencer advised of an apology from Councillor Kay due to illness.

Resolved:

(Moved: Councillors Ngai/A. Taylor)

That the apologies be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Memorandums: Memorandum to Mayor, Councillors, Acting General Manager and Directors from Manager Governance and Corporate Strategy dated 19 March 2024 Re: Error in Minute Numbers from 12 December 2023 OMC

**GB.11 Ku-ring-gai Development Control Plan
Post-Exhibition consideration of submissions**

Memorandum to Mayor, Councillors and Acting General Manager from Director Strategy & Environment dated 12 March 2024 Re: Ku-ring-gai Development Control Plan post exhibition consideration of submissions - explanation of amendments.

GB.12 The Glade, Wahroonga - Landscape Masterplan

Memorandum to Mayor, Councillors and Acting General Manager from Manager Urban & Heritage Planning dated 18 March 2024 Re: The Glade, Wahroonga – Landscape Masterplan

**QN.2 Solar Panels, Batteries and Electric Vehicle
Chargers in Heritage Conservation Areas**

Memorandum to Mayor, Councillors and Acting General Manager from Manager Urban & Heritage Planning dated 12 March 2024 Re: Solar Panels, Batteries and Electric Vehicle Charges in heritage conservation areas.

Late Reports: **MM.2 Housing Policy Updates (March 2024)**

37 **Confirmation of attachments to be considered in closed meeting**

File: S02499/9

Vide:

Resolved:

(Moved: Councillors Ngai/Wheatley)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of confidential attachments to the following General Business reports:

GB.3 Status of Women's Advisory Committee

In accordance with 10A(2)(a):

- Attachment 2: Women's Advisory Committee Submissions
- Attachment 3: Status of Women Advisory Committee Member Selection

GB.4 Arts and Culture Advisory Committee

In accordance with 10A(2)(a):

- Attachment 2: Arts and Cultural Advisory Submissions
- Attachment 3: Arts and Cultural Advisory Committee Member Selection

GB.11 Ku-ring-gai Development Control Plan Post-Exhibition consideration of submissions

In accordance with 10A(2)(e):

- Attachment 2: Confidential - Advice on Signage and Advertising issues

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES38 **Minutes of Ordinary Meeting of Council**

File: EM00041/11

Meeting held 12 December 2023

Minutes numbered 214 to 238

Resolved:

(Moved: Councillors Spencer/Lennon)

That Minutes circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, subject to the correction of the minute numbers.

CARRIED UNANIMOUSLY

39 **Minutes of Ordinary Meeting of Council**

File: EM00043/1

Meeting held 20 February 2024

Minutes numbered 06 to 35

Resolved:

(Moved: Councillors Spencer/Lennon)

That Minutes numbered 6 to 35 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

40 **Vale Yolanda Lee Former Alderman and Deputy Mayor**

File: CY00455/12

Vide: MM.1

On behalf of Council and the Ku-ring-gai community this Mayoral Minute pays tribute to much-loved former Alderman and Deputy Mayor Yolanda Lee, who passed away in January this year.

Yolanda was born in Pecs, a small university town in Hungary. In 1944, she boarded a migrant ship and moved to Australia, working as an assistant purser. With no English and in her early twenties, Yolanda was sent to a migrant camp in Bathurst before moving to Bourke.

Yolanda continued to live in regional towns such as Cobar where she worked as a clerk in a general store, and Lake Cargelligo where she owned and operated a dress store.

During this period Yolanda would make business trips to Sydney where she met an accountant named Alex. In 1955 Yolanda made the move to Sydney and married Alex. Yolanda went on to study accounting and the two opened an accounting practice in the city.

Yolanda, Alex and their son Warren lived in Wahroonga. It was here that Yolanda first began showing an interest in fostering a strong community identity within the area, and decided the best way for her to achieve this was through local government.

Yolanda was first elected Alderman for the Comenarra Ward in 1974 and continued on in this position until 1980.

In October 1978 Yolanda was elected Deputy Mayor with Alderman Richard Lennon as Mayor, and continued in her role as Deputy Mayor until the 1980 election.

During her tenure with Ku-ring-gai Council, Yolanda continued to push for greater community resources, and for ways to bring the community together. Her goal was for the people of Ku-ring-gai to have a sense of belonging to their community, and she worked tirelessly to achieve this.

Yolanda was a driving force behind a long list of new and upgraded community facilities including bike tracks, sporting fields and amenities buildings, tennis courts, the West Pymble swimming pool, the Scout Hall in Turramurra, and the Hillview Community Resource Centre, to name just a few.

To gain a greater understanding of Yolanda's vision for Ku-ring-gai, we can turn to a newspaper article from The Advocate Courier dated 22 March 1978 titled *A sense of belonging* and take Yolanda's own words within the text.

"When I moved to Ku-ring-gai I had no sense of identity with the community," she said. "Ku-ring-gai people were categorised by this or that 'old school tie' and 'family background' tags, but not as people.

"Now that I am on Council, I hope to rectify this.

"Let me crystalise it by saying that we segregate people into drawers – senior citizens, returned service people, and so on.

"I want to bring the people of Ku-ring-gai together whatever label they wear."

Our sincere condolences to Yolanda's family at this difficult time. Yolanda will always be remembered for her dedication to the people of Ku-ring-gai and making the area a better place for all to live.

Resolved:

(Moved: The Mayor, Councillor Ngai)

- A. That the Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to honour Yolanda Lee
- C. That the Mayor write to Yolanda Lee's family and encloses a copy of the Mayoral Minute.

CARRIED UNANIMOUSLY

File: S14427

Vide: MM.2

This Mayoral Minute follows MM3 from the 20 February 2024 Ordinary Meeting of Council to provide an update (for noting) on local activity regarding the State Labor Government's proposed housing policy.

A meeting was scheduled with Paul Scully MP (Minister for Planning) and staff from the Department of Planning, Housing and Infrastructure on 29 February, where the Mayor and council officers were in attendance. At this meeting, key points from the Minister and planning staff were that:

1. The Transport Oriented Development ('TOD') stations were based on robust modelling and had identified Roseville, Lindfield, Killara and Gordon as stations that could handle additional development within a 400m radius.
2. He was of the view that Local Government still had the power to assess 6-7 storey developments against Heritage Conservation controls, and that heritage controls were not being taken away. Council officers indicated that this was not their understanding of what is proposed.
3. Associated infrastructure could be funded from recently established Part 7 Housing and Productivity Contributions, although there was no commitment at this stage as to the criteria or quantum of funding.
4. While the TOD SEPP was said to be coming in April 2024, there was scope for a 6 month deferred commencement if Council can come up with an alternate LEP that matches or exceeds the dwelling targets. The Department will get back to Council to state what these targets are later in the week.
5. That under a new LEP, density could be shuffled from one station to another (e.g. Roseville to Lindfield, Killara to Gordon) however he will not allow a station to be entirely removed from the TOD program.

On 1 March, the Department contacted our Acting General Manager to inform him that:

1. Each of the four train stations had a 4,500 to 5,000 dwelling target.
2. If council were to propose the shuffling of density, it could be 4,000 in one centre and 6,000 in another. But the expectation was that each of the four stations will serve as a TOD centre.
3. While a deferred commencement could be offered, there was the expectation that *some* of the centres should still commence in April. I.e. there had to be imminent action.

In subsequent discussion with councillors and staff, there was limited appetite to implement a new LEP within 6 months because it would essentially cut out careful planning and community consultation, and was against the Department's own guidelines for the timeframes to implement complex changes to an LEP.

It is my understanding that staff are preparing a report to explore next steps, and this will be considered at the next Meeting of Council.

Resolved:

(Moved: The Mayor, Councillor Ngai)

That Council notes and receives this Mayoral Minute.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

42 **Active Transport Reference Committee meeting minutes of 8 February 2024**

File: S02696

Vide: GB.1

To consider the minutes from Active Transport Reference Committee ('ATRC') meeting held on 8 February 2024.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That Council receive and note the minutes from Active Transport Reference Committee ('ATRC') meeting held on 8 February 2024 and defer consideration of community consultation on 30km/h trial areas to allow preliminary consultation to be carried out with Transport for NSW on potential trial sites.

CARRIED UNANIMOUSLY

43 **Heritage Reference Committee meeting minutes of 1 February 2024**

File: CY00413/12

Vide: GB.2

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 1 February 2024.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That Council receive and note the HRC minutes from the meeting held on 1 February 2024.

CARRIED UNANIMOUSLY

44 **2024 National General Assembly of Local Government - Revised deadline for Motions**

File: FY00581/9

Vide: GB.5

To inform Councillors that the deadline to submit motions to the Australian Local Government Association (ALGA) 2024 National General Assembly of Local Government (NGA) has been extended.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That:

- A. Councillors provide any proposed motions for the 2024 NGA to the General Manager by 28 March 2024.
- B. A further report providing details of any proposed motions be referred to Council at its April meeting for approval prior to submission to the ALGA.

CARRIED UNANIMOUSLY

45 **Investment Report as at 29 February 2024**

File: FY00623/6

Vide: GB.7

To present Council's investment portfolio performance for February 2024.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That:

- A. The summary of investments and performance for February 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

46 **Bench Seat – Mariana Cl, St Ives**

File: S02135

Vide: GB.8

To report to Council on the matter of the bench seat in Mariana Close, St. Ives, as per Council's resolution from the OMC on 12 December 2023 which in part included a site inspection be undertaken to consider alternative locations for the bench seat and a report be brought back to Council in March 2024.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

- A. That this report be received and it be noted there is no other suitably identified location for a bench seat in or around the vicinity of Mariana Close, St. Ives for the intended purposes of the bench seat.
- B. That no further action be undertaken in relation to this matter.

CARRIED UNANIMOUSLY

47 **Draft Open Space & Recreation Needs Study - Post Exhibition**

File: S13467

Vide: GB.9

To report back to Council the results of the public exhibition of the draft *Open Space and Recreation Needs Study*.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That:

- A. Council adopt the *Open Space and Recreation Needs Study*, as attached to this report, as the evidence-base to guide future open space and recreation planning in Ku-ring-gai;
- B. Staff undertake detailed analyses in relation to sports field utilisation, dog off-leash areas, and outdoor hardcourt utilisation and report back to Council;
- C. Staff undertake a review of the priorities for sports fields upgrades in the Long-Term Financial Plan consistent with the findings of the *Open Space and Recreation Needs Study*

D. All persons that made a submission be notified of Council's decision.

CARRIED UNANIMOUSLY

48

Generic Plans of Management for adoption - General Community Use and Natural Areas

File: S06604/2

Vide: GB.10

To have Council adopt the Generic PoM – General Community Use & Natural Areas, dated May 2023 and November 2023 respectively.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

That Council adopt the:

- A. Final Generic Plan of Management – General Community Use, dated May 2023 in accordance with clause 70B of the *Crown Land Management Regulation 2018*.
- B. Final Generic Plan of Management – Natural Areas, dated November 2023 in accordance with clause 70B of the *Crown Land Management Regulation 2018* subject to minor mapping amendments.

CARRIED UNANIMOUSLY

49 **Ku-ring-gai Development Control Plan Post-Exhibition consideration of submissions**

File: S13723

Vide: GB.11

For Council to consider submissions made to the exhibition of the draft *Ku-ring-gai Development Control Plan* (Housekeeping Review – Amendment 6).

Resolved:

(Moved: Councillors A. Taylor/Spencer)

- A. That Council adopts the draft *Ku-ring-gai Development Control Plan – Amendment 6* incorporating amendments as at Attachment A3 to this Report.
- B. That Council's adoption of the draft *Ku-ring-gai Development Control Plan – Amendment 6* be notified on Council's website in accordance with Clause 21(4) of the *Environmental Planning and Assessment Regulation 2000*.
- C. That the draft *Ku-ring-gai Development Control Plan – Amendment 6* comes into effect on the day that it is notified on Council's website.
- D. That people who made a submission be notified of Council's resolution.
- E. That delegation be given to the Director, Strategy and Environment to correct any minor amendments or errors and inconsistencies to the draft KDCP.
- F. That investigation commence for a further amendment to the *Ku-ring-gai Development Control Plan* as a result of the recent State government housing policy changes.
- G. That a report be brought back to Council on the *Ku-ring-gai Development Control Plan* Part 18R Greenweb Mapping update.
- H. That an amendment to the *Ku-ring-gai Local Environmental Plan 2015* to enable certain types of signage be investigated and reported back to Council.

CARRIED UNANIMOUSLY

50 **Post Exhibition - DCP - Site Specific Controls 4-10 Bridge Street Pymble and Amendments to Part 14G**

File: S14308

Vide: GB.13

For Council to consider submissions received during the public exhibition of the site-specific controls for 4-10 Bridge Street and amendments to Part 14G of the DCP.

Resolved:

(Moved: Councillors A. Taylor/Spencer)

- A. That Council adopt the Part 14G Pymble Business Park and Part18.R Greenweb Maps incorporating the amendments outlined in this report.
- B. The amended Ku-ring-gai Development Control Plan is to come into effect on the day that it is notified on Council's website in accordance with Clause 21 (4) of the *Environmental Planning and Assessment Regulation 2000*
- C. That persons who made submissions be notified of Council's decision.

CARRIED UNANIMOUSLY

PROCEDURAL MOTION:

The following Notices of Motion:

- *NM1: Affordable Housing Policy*
- *NM2: Getting the balance right on companion animal regulation*

were deferred to the next ordinary meeting (16 April 2024) as the mover of the Motion was absent from the meeting. The Motion to defer these matters was moved by Councillor A. Taylor and Councillor Spencer and CARRIED UNANIMOUSLY.

51 **Motion to protect and enhance the tree canopy in Ku-ring-gai**

File: S12227

Vide: NM.5

Notice of Motion from Councillors A.Taylor, G.Taylor and Lennon dated 1 March 2024

Trees and vegetation are an important part of a healthy lifestyle and Ku-ring-gai's cultural identity and are valued greatly by our community. Council is focused on

protecting and enhancing the urban forest to ensure this unique character and established canopy cover is preserved and improved for future generations. This includes working with the community to protect trees and our canopy, including increased scrutiny of building works, monitoring any illegal tree removal and enforcing penalties and replacement orders.

Ku-ring-gai has a current canopy cover of 45% and an ambitious target for its tree canopy to grow to 49% by 2036. However, most of the trees in Ku-ring-gai stand on private land. Mature trees are protected by the Ku-ring-gai Development Control Plan (KDCP) through a 'no net loss' principle - development applications are assessed and modified to ensure that any trees requiring removal are replaced with similar species on site. Despite this policy Ku-ring-gai's tree canopy continues to shrink.

We, therefore, move that Council reports back by May 2024 on the feasibility of:

- A. Amending the KDCP to achieve no net loss of canopy area at maturity and seek to achieve a net gain, including some quantification of the historical change in canopy area pre and post development (at maturity) for different types of development
- B. Adopting a policy of 'achieving a net gain' of canopy area and under-storey vegetation during material changes to Council-owned land
- C. A system with supporting marketing to promote and supply resident planting of locally indigenous trees and vegetation across all storeys, from an ecosystem to suit their site-specific soils and initially targeting green corridors

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

Notice of Motion NM.3 - Australia's Housing Crisis, Minns' government higher density housing plans, and net immigration - was withdrawn following a request by the movers of the Motion, Councillor Lennon and Councillor G. Taylor.

52 **Status of Women's Advisory Committee**

File: S13683

Vide: GB.3

To provide Council with recommendations for 15 community representatives to participate in the Status of Women's Advisory Committee.

Resolved:

(Moved: Councillors Wheatley/Ward)

- A. That Council arranges a councillor briefing to discuss the selection criteria for Status of Women's Advisory Committee.
- B. That an updated submission form be developed for the Status of Women's Advisory Committee, and staff report back to Council.
- C. Following Council endorsement of the Status of Women's Advisory Committee submission form, the 47 applicants be asked to complete the updated form, and staff report back to Council in May 2024 with recommendations for community members.
- D. That the terms of reference be amended so that a councillor be nominated as Deputy Chairperson.

For the Resolution: *The Mayor, Councillor Ngai, Councillors Lennon, Smith, Spencer, A. Taylor, G. Taylor, Ward and Wheatley*

Against the Resolution: *Councillor Pettett*

CARRIED

PROCEDURAL MOTION:

*The order of business was altered to allow item GB.4 – Arts and Culture Advisory Committee to be considered as a confidential matter after other business had been dealt with. This motion was moved by the Mayor, Councillor Ngai and Councillor Smith and **CARRIED UNANIMOUSLY.***

53 **Delivery Program 2022-2026 and Operational Plan 2023-2024:
December 2023 Biannual report**

File: FY00382/16
Vide: GB.6

To report to Council on the progress of the Delivery Program 2022-2026 and Operational Plan 2023-2024, for the six-month period July to December 2023.

Resolved:

(Moved: Councillors Smith/A. Taylor)

That the report on the six-monthly progress review of the Delivery Program 2022-2026 and Operational Plan 2023-2024 for the period July to December 2023 be received and noted.

CARRIED UNANIMOUSLY

Councillor Spencer departed from and returned to the Meeting during discussion on the following item.

54 **The Glade, Wahroonga - Landscape Masterplan**

File: S13590

Vide: GB.12

To seek Council's endorsement of the Landscape Masterplan for The Glade, Wahroonga.

Resolved:

(Moved: Councillors G. Taylor/A. Taylor)

That Council:

- A. Adopt The Glade Landscape Masterplan Report, February 2024.
- B. Prioritise the installation of a footpath along the southern side of The Glade (street).
- C. Before installing LED field lighting on the playing field, an independently contracted lighting study be brought back to Council, clarifying the design complies with Australian Standard AS/NZ 4282:2019 (Control of the obtrusive effects of outdoor lighting).
- D. Upon the approval of this Masterplan, prioritise the planting out of all screening vegetation and 'no mow' zones. Noting, these areas should be designed:
 - To minimise light pollution leaving the site and entering private property
 - To enhance and help preserve the locally indigenous Blue Gum High Forest ecosystem present on the site, and,
 - In accordance with principles of Crime Prevention Through Environmental Design.
- E. Allow all screening and 'no mow' vegetation to be suitably established before any field lighting can be installed.

For the Resolution:

The Mayor, Councillor Ngai, Councillors Lennon, Smith, Spencer, A. Taylor, G. Taylor, Ward and Wheatley

Against the Resolution:

Councillor Pettett

CARRIED

Councillor Smith departed from and returned to the Meeting during discussion on the following item.

55 **Youth Advisory Committee**

File: S04477

Vide: NM.4

Notice of Motion from Councillor Ngai dated 1 March 2024

I have been approached by Ku-ring-gai residents who want to contribute to Ku-ring-gai's youth policies and offerings but feel that they have limited opportunities given their age.

They suggested that we look to see what other councils do in the youth advisory space. I found that 20 of the 33 other Sydney Metro councils had a Youth Advisory Committee or Council in place, and that it was typically comprised of youth from ages 12-25. (Refer to Attachment 1 for more information.)

It is my hope that we consult with successful councils and establish a forum by which Council can engage with young people on an ongoing basis. Establishing a Youth Advisory Committee can offer numerous benefits including fostering a more inclusive, representative and responsive local government. A Youth Advisory Committee will provide a platform for young people to actively participate in local decision-making voice their opinions, share perspectives, and contribute to policies that directly impact them. By encouraging civic engagement and community involvement among young people, it will strengthen the connection between local government and the youth population, building trust and a sense of ownership in community affairs.

This is an opportunity to harnesses the creativity and fresh perspectives of young people to generate innovative solutions to community challenges. Council will have the opportunity to integrate new and diverse ideas into the decision-making process, promoting a more dynamic and adaptable governance approach.

In particular, it will help to achieve the following elements of Ku-ring-gai's Community Strategic Plan:

- C1.1 An empowered community where opportunities are provided for all voices to be heard and participation and engagement are encouraged.
- C3.1 An equitable, inclusive and resilient community that cares and provides for its residents and embraces healthier lifestyles.
- C4.1 Harmonious communities that understand, value and accept each other and embrace our evolving cultural identities

I move that:

- A. Ku-ring-gai Council reach out to other Sydney Metro councils such as Ryde and Northern Beaches to understand how their Youth Advisory Committees / Councils operate and learn from best practice.

- B. A report on lessons learnt, as well as recommendations for a Youth Advisory Committee Terms of Reference, be brought back by May 2024 Ordinary Meeting of Council.

Resolved:

(Moved: Councillors Ngai/Ward)

That:

- A. Ku-ring-gai Council reach out to other Sydney Metro councils such as Ryde and Northern Beaches to understand how their Youth Advisory Committees / Councils operate and learn from best practice.
- B. A report on lessons learnt, as well as recommendations for a Youth Advisory Committee Terms of Reference, be brought back by May 2024 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

What is Council's expected capacity in terms of visitors and parking spaces at the NTRA with the new NSFA grandstand and ancillary facilities?

File: EM00043/2

Vide: QN.1

QUESTION:

Question from Councillor Spencer dated 31 January 2024.

Material facts:

The material facts are as submitted by PDC Consultants in their correspondence to Councillors dated 23/01/2024 (see attached).

The Approved Current and Future Usage of North Turramurra Recreation Area ("NTRA") Fields by Northern Suburbs Football Association ("NSFA") at the time of approval of the DA (DA0484/21 – October 2022) for a new grandstand and ancillary facilities to be built was 166,700 persons.

The NSFA have consistently said to this Council and the Constituents of North Turramurra that there will be no increase of usage for the proposal of a new grandstand and ancillary facilities at the NTRA.

However, three Grant Applications have been put forth by NSFA to the NSW Office of Sport and the key details and quotations from which are:

1. GCRSFF-21/22-0047 states, among other things, that:
 - a. The NSFA have increased membership by 1,300 players this year [2021], taking the total membership to 18,153 with growing trends in female participation offerings. The region cannot continue to support this type of growth without investment in new and upgraded facilities.
 - b. The development of additional changeroom and toilet amenities will increase the number and type of facilities available to the community which will allow an increase in the capacity of the sporting venue. This will result in an increase of 30,000 participants per year as per the facilities usage document on a weekly basis and increase the capability to host events.
2. FFCSFLU-23/23-00067 states, among other things, that:
 - a. This project will achieve... “Increase in regular summer & winter sport participant users” and “Increase in regular summer & winter sport all ability participant users.”
 - b. Our project ensures all participants have access to safe and secure amenities which in turn will increase the venue’s capacity.
 - c. The NTRA does not have the supporting infrastructure to allow the sports fields to be used to capacity. Due to inadequate changeroom and toilet-facilities only two fields can be used concurrently for adults. The development will allow us to maximise usage of the sports fields and increase offerings such as training programs, come and try events, talented pathway programs and modified sport formats.

Table 1: Grant Application Visitation Summary

GRANT APPLICATION	DATE	EXISTING ANNUAL VISITS	PROPOSED ANNUAL VISITS	INCREASE
GCRSFF-21/22-0047	6/10/2021	78,569	110,548	+ 31,979
FFCSFLU-23/23-00067	22/11/2022	171,132	225,056	+ 53,924

It is clear from **Table 1** and the extracts from the Grant Applications that there are significant discrepancies between the documentation that has been submitted to Council and the NSW Government by the Applicant with regards to DA0484/21 and the Grant Applications for construction of the proposals approved by DA0484/21.

As documented repeatedly in the DA Traffic Report, the DA did not include any material change in visitation apart from one new major event per year. This is entirely contradicted by the existing and proposed annual visits documented in the Grant Applications (Table 1) and the associated wording within them.

If increased visitation is now being sought by the Applicant, this would need to form part of a new application to Council as either a new DA or modification to the approved DA that properly assesses the impacts of the increased visitation, including but not limited to traffic, parking and safety impacts.

Further, site visits undertaken on 13 & 14 January 2024 raised several concerns from a traffic and parking perspective, for which around 40 vehicles were issued with infringement notices by Council Rangers. Photographs included as **Attachment 1** show several instances of informal car parking on vegetated overflow areas and a lengthy queue of cars attempting to leave the site.

Note:

This concern is similar to the NSFA's repeated suggestion that they had prior Owner's Consent from this Council for their Grant Applications through the NSW Office of Sport when they did not.

In addition, serious traffic and parking issues at the NTRA during match days were documented on 13 and 14 January 2024.

Question(s):

1. Will the Acting General Manager provide clarifications to the following concerns:
 - a. What is existing and proposed annual visits for 2023?
 - b. What is the expected and proposed annual visits for 2024?
 - c. What is the approved capacity in terms of visitors and parking spaces at NTRA currently?
 - d. What is NSFA's proposed capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?
 - e. What is Council's expected capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?
2. Will the Acting General Manager provide the answers to the above questions either before or at the March 2024 Ordinary Meeting of Council?

RESPONSE:

Responses from the Acting General Manager, David Marshall:

1. Will the Acting General Manager provide clarifications to the following concerns:
 - a. What is existing and proposed annual visits for 2023?

Council does not record visits to the NTRA. However the approved DA0484/21 included the following NSFA schedule of typical weekly events showing current usage as part of the Revised Traffic and Parking Assessment Report dated 12 July 2021:

	CURRENT USAGE			
	Total hours per week	Total players & staff per week	Total spectators per week	Total persons per week
WINTER SEASON				
NTRA Synthetic Field #1*	45	1403	1136	2539
NTRA Grass field #2	31	982	711	1693
NTRA Grass field #3	29	771	530	1301
SUMMER SEASON				
Period 1	18	1448	724	2172
Period 2	21	855	428	1283
MAJOR EVENTS - One per year	Total hours of event	Total players & staff for event	Total spectators for event	Total person for event
Skellern Cup - Jnrs	6	350	175	525
Skellern Cup - Snrs	6	350	175	525
NSFA Finals	13	252	504	756
NSFA Cup Finals	13	252	504	756
Football4All gala day				

- b. What is the expected and proposed annual visits for 2024?

See response to question 1a above.

- c. What is the approved capacity in terms of visitors and parking spaces at NTRA currently?

There is not an approved capacity for visitor use of the existing facilities at NTRA. That is, there is no cap on visitor numbers.

There are approximately 270 car spaces at NTRA.

- d. What is NSFA's proposed capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?

The approved DA0484/21 included the following NSFA schedule of typical weekly events for future usage as part of the Revised Traffic and Parking Assessment Report dated 12 July 2021:

	FUTURE USAGE			
	Total hours per week	Total players & staff per week	Total spectators per week	Total persons per week
WINTER SEASON				
NTRA Synthetic Field #1*	45	1403	1136	2539
NTRA Grass field #2	31	982	711	1693
NTRA Grass field #3	29	771	530	1301
SUMMER SEASON				
Period 1	18	1448	724	2172
Period 2	21	855	428	1283
MAJOR EVENTS - One per year	Total hours of event	Total players & staff for event	Total spectators for event	Total person for event
Skellern Cup - Jnrs	6	350	175	525
Skellern Cup - Snrs	6	350	175	525
NSFA Finals	13	252	504	756
NSFA Cup Finals	13	252	504	756
Football4All gala day	5	200	400	600

There are approximately 270 car spaces at NTRA.

- e. What is Council's expected capacity in terms of visitors and parking spaces at the NTRA with the new grandstand and ancillary facilities?

Council expects that the operations would be in accordance with the approved DA0484/21 (refer above).

2. Will the Acting General Manager provide the answers to the above questions either before or at the March 2024 Ordinary Meeting of Council?

See responses above.

Solar Panels, Batteries and Electric Vehicle Chargers in Heritage Conservation Areas

File: S13127

Vide: QN.2

QUESTION:

Question from Councillor Sam Ngai dated 27 February 2024:

Sentiment in Ku-ring-gai has changed in recent decades, and we are now at a point where many residents want to play their part in achieving Ku-ring-gai's goal of Net Zero by 2040.

In the last year I have had residents from Heritage Conservation Areas contact me, expressing their disappointment that they are unable to install solar panels, batteries, or electric vehicle chargers in certain configurations (e.g. North facing fixtures that are visible from the street). More recently these residents point to the irony of being able to build 6-9 storeys on their property under a future Low and Mid-Rise Housing SEPP, but being unable to install solar panels in a sensible orientation on their single storey home.

I understand that many of the restrictions come from Part 19 of the Ku-ring-gai Development Control Plan (DCP), but when I do a comparative study of neighbouring council DCPs I find that there is no consistency with the way in which these fixtures are controlled with respect to heritage conservation areas. In fact, Ku-ring-gai looks like an outlier and it appears as though the objective of heritage outweighs that of environmental sustainability.

I have two questions.

1. Can you please update the table below (or similar) to explain to residents what they can or cannot do in Ku-ring-gai?

Table – What residents can or cannot do in a Heritage Conservation Area / Heritage Item

	Heritage Conservation Area	Heritage Item
Install Solar Panel out of sight		
Install Solar Panel visible from street		
Install EV Charger out of sight		
Install EV Charger visible from street		
Install Battery out of sight		
Install Battery visible from street		

2. Can you please confirm whether the constraints from question 1 above come from a State law or standard, or whether it is within Ku-ring-gai's power to change the restrictions by updating the DCP?

RESPONSE:

Answered by Director Strategy & Environment

1. There is no formula for acceptable solar panels, beyond what state planning policy exempts for solar panels away from front roof planes. This is because alterations to sensitive locations and features require merit assessment.

Residents need to check the state policy for exempt locations and requirements for solar equipment. If proposed works are not exempt, residents need to apply to Council to find out if they can be approved – through a minor works or development application. Residents can also seek advice on appropriate solar works from a heritage consultant.

This is because the heritage impacts need to be assessed on a case-by-case basis to take into account different site circumstances. Council can approve solar panels in non-exempt locations in exceptional circumstances where the works have an acceptable heritage impact.

Table – What residents can or cannot do in a Heritage Conservation Area/Heritage Item

	Heritage Conservation Area	Heritage Item
Install Solar Panel out of sight	Sometimes – exempt or requires application	Sometimes – requires application
Install Solar Panel visible from street	Sometimes – requires application	No generally – requires application
Install EV Charger out of sight	Sometimes – exempt or requires application	Sometimes – requires application
Install EV Charger visible from street	Sometimes – requires application	No generally – requires application
Install Battery out of sight	Sometimes – exempt or requires application	Sometimes – requires application
Install Battery visible from street	Sometimes – requires application	No generally – requires application

Front solar panels are not generally supported by government policy or approved because of their heritage impact and because alternative locations with less impact are available. Front solar panels detract from the main building face, the most prominent roof feature and roofscapes visible from a distance along streetscapes. Visibility is not the only consideration, but also the impact on the roof fabric, form and features. The impact is cumulative when continued along streetscapes, eroding the integrity and presentation of historic areas. A recent Council staff survey of isolated examples confirmed this impact, shown below. This survey also confirmed the lesser impact of alternative solar panel locations.



2. Can you please confirm whether the constraints from question 1 above come from a State law or standard, or whether it is within Ku-ring-gai's power to change the restrictions by updating the DCP?

The acceptable solar locations are determined by the state planning policy for exempt development – known as the State Environmental Planning Policy (Transport and Infrastructure) 2021. No DCP provisions can guide these works managed under a separate state policy without Council input or approval. Solar panels that do not comply with these state requirements are unlikely to have an acceptable heritage impact.

It would be possible to change the DCP to support front solar panels or works outside of these exempt locations. However, this is not recommended due to the resulting negative heritage impact that is inconsistent with the LEP objectives to conserve heritage items and conservation areas. The DCP provisions for solar panels have already been updated in the latest review to refer to the above planning policy.

Instead, the minor works or development application process is available for residents to seek Council approval for non-exempted works in exceptional circumstances where these may have an acceptable impact. The DCP provisions cover the typical circumstances, rather than the exceptional circumstances.

PROCEDURAL MOTION:

*Council resolved itself into Closed Meeting with all Public excluded to deal with the following item after a Motion moved by Councillors Smith and Ward was **CARRIED UNANIMOUSLY.***

56 **Arts and Culture Advisory Committee**

File: S14328

Vide: GB.4

To provide Council with recommendations for 15 community representatives to be appointed to the Arts and Culture Advisory Committee.

MOTION:

(Moved: Councillors Smith/Spencer)

That Council consider and appoint the 15 applicants who have been recommended by the selection panel to the Arts and Culture Advisory Committee.

AMENDMENT:

(Moved: Councillors G. Taylor/Ward)

That Council:

- A. Amend the terms of reference of the Arts and Culture Advisory Committee to include 16 community members.
- B. Appoint to the Committee the 15 applicants who had been recommended by the selection panel plus the addition of candidate 25.

The Amendment was put and declared **CARRIED UNANIMOUSLY**

The Amendment became the Motion.

The Motion was put and declared **CARRIED UNANIMOUSLY.**

Resolved:

(Moved: Councillors G. Taylor/Ward)

That Council:

- A. Amend the terms of reference of the Arts and Culture Advisory Committee to include 16 community members.
- B. Appoint to the Committee the 15 applicants who had been recommended by the selection panel plus the addition of candidate 25.

CARRIED UNANIMOUSLY

Open Council resumed

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE

Nil

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

Nil

The Meeting closed at 8:33PM

The Minutes of the Ordinary Meeting of Council held on 19 March 2024 (Pages 1 - 25) were confirmed as a full and accurate record of proceedings on 16 April 2024.

General Manager

Mayor / Chairperson